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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GAYLEN GEORGE THOMPSON,

Plaintiff,

v.

WHITE PINE CO DISTRICT COURT et al.,

Defendants.

Case No. 2:18-cv-00469-GMN-GWF

ORDER

**I. DISCUSSION**

Plaintiff, a *pro se* prisoner, previously filed a notice of intent to file a complaint. (ECF No. 1-1). Plaintiff did not file an application to proceed *in forma pauperis* or a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 1-1.) On March 19, 2018, the Court directed Plaintiff to file an application to proceed *in forma pauperis* or pay the full filing fee for a civil action and to file a complaint within 30 days from the date of that order. (ECF No. 4). On April 3, 2018, Plaintiff filed a motion that stated that he did not wish to seek *in forma pauperis* status or to file a complaint in this case. (ECF No. 5 at 1). Plaintiff explained that he realized that the claims he intended to file were barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). (*Id.* at 1-2). The Court interprets this motion as a motion for voluntary dismissal.

Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P.

1 41(a)(1)(A)(i). The Court grants Plaintiff's motion to voluntarily dismiss this action  
2 because no responsive pleading has been filed in this case. As such, the Court dismisses  
3 this action without prejudice.

4 **II. CONCLUSION**

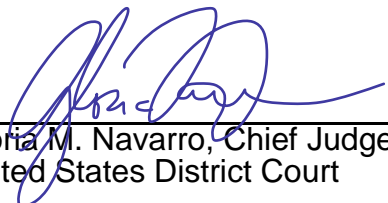
5 For the foregoing reasons, it is ordered that the motion to withdraw (ECF No. 5) is  
6 construed as a motion for voluntary dismissal.

7 It is further ordered that the motion for voluntary dismissal (ECF No. 5) is granted.

8 It is further ordered that this action is dismissed in its entirety without prejudice.

9 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

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11 DATED THIS 1st day of May, 2018.

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15 Gloria M. Navarro, Chief Judge  
16 United States District Court  
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